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General Assembly

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Djibouti,* Somalia:* draft resolution

38/... Situation of human rights in Eritrea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its previous resolutions and all reports on the situation of human rights in Eritrea,

Welcoming the action taken by the Government of Eritrea to protect and promote the economic and social rights of its people, including through the early achievement of the Millennium Development Goals and its commitment to the Sustainable Development Goals,

Welcoming also the submission of the initial report of Eritrea to the African Commission on Human and Peoples' Rights at its sixty-second ordinary session,

Regretting the continued lack of cooperation with the Special Rapporteur on the situation of human rights in Eritrea, including the denial of access to the country,

Recalling the previous reports of the commission of inquiry on human rights in Eritrea, and of the Special Rapporteur, while continuing to express its deep concern at the findings that there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea since 1991, including arbitrary arrest and incommunicado detention, enforced disappearance and torture, and reiterating that all perpetrators of such violations and abuses must be held accountable,

* State not a member of the Human Rights Council.

Emphasizing that every citizen has the right to take part in the conduct of public affairs of his or her country, directly or through freely chosen representatives, and expressing grave concern that national elections have not been held in Eritrea since 1993,

Welcoming the release by the Government of Eritrea, following mediation by the Government of Qatar, of four Djiboutian prisoners of war, on 18 March 2016, while recalling that 13 other Djiboutian prisoners of war are still detained in Eritrea,

Expressing grave concern at the policy of indefinite conscription into national/military service and at the human rights violations committed in the context of the national service,

Deeply concerned that the situation of human rights in Eritrea is a key driver behind the large numbers of Eritreans attempting to leave their country,

1. *Welcomes with appreciation* the work of the Special Rapporteur on the situation of human rights in Eritrea, stresses its deep concern at the ongoing grave violations and abuses and lack of progress outlined therein, including arbitrary detention, enforced disappearances, torture and sexual violence and forced labour, and urges the Government of Eritrea to take immediate and concrete steps to implement all her recommendations;

2. *Recalls* the report of the commission of inquiry on human rights in Eritrea[1] and the information that it has collected in support of future accountability;

3. *Welcomes* the enhanced interactive dialogue and the oral update from the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Eritrea at the thirty-seventh session of the Human Rights Council;

4. *Condemns in the strongest terms* the reported systematic, widespread and gross human rights violations that have been and are being committed by the Government of Eritrea in a climate of generalized impunity;

5. *Reiterates* that all those responsible for human rights violations and abuses must be held accountable;

6. *Also reiterates* its calls upon the Government of Eritrea:

(a) To end the use of torture and other cruel, inhumane and degrading treatment or punishment, including by ending the use of secret detention centres and the practice of incommunicado detention;

(b) To respect everyone's rights to freedom of expression, and to freedom of thought, conscience and religion or belief, and the right to freedom of peaceful assembly and association, to ensure free, fair and equal access to an independent and impartial court, and to improve prison conditions, including by prohibiting the use of underground cells, shipping containers and other inappropriate facilities to hold prisoners, ending the use of secret detention centres and the practice of irregular and incommunicado detention, allowing regular access to prisoners for relatives, legal representatives and independent monitoring mechanisms, and ensuring timely and regular unhindered access to medical care;

(c) To ensure that prompt and effective investigations are conducted into all allegations of human rights violations, including torture and ill-treatment, with a view to bringing perpetrators to justice;

(d) To stop and prevent shooting to wound or kill Eritrean citizens attempting to cross the border to flee the country;

(e) To release all those arbitrarily detained, including members of the G-15 reform group, journalists, religious figures and political prisoners, and ensure that all detainees are given a fair and transparent trial;

[1] A/HRC/32/47.

(f) To put an end to the indefinite nature of national/military service and the use of conscripts as forced labour, and ensure that all the rights of those serving national and military service are protected;

(g) To ensure the right to form and join political parties, and to guarantee the right and opportunity of all citizens to take part at all levels in the political process and to vote and be elected in free, fair and transparent democratic elections, guaranteeing free expression of the will of the people;

(h) To seek support to establish an independent, impartial and transparent judiciary, with a view to ensuring access to justice for all;

(i) To work to finalize and implement the Constitution of 1997 in consultation with all relevant stakeholders;

(j) To immediately stop the practice of demanding that Eritreans in the diaspora sign the B4/4.2 form (the so-called "regret form"), in which they accept responsibility for any crime, if committed, before leaving the country, in order to access consular services from Eritrean diplomatic missions;

(k) To stop the use of extortion, threats of violence, fraud and other illicit means of collecting taxes outside Eritrea from its nationals or other individuals of Eritrean origin, and to abstain from such practices;

(l) To allow independent media and independent civil society organizations to operate freely;

(m) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the attempted takeover on 21 January 2013 of the building of the Ministry of Information, and the 13 Djiboutian prisoners of war still detained;

(n) To allow unhindered access to the country by the Office of the High Commissioner and the mechanisms of the Human Rights Council, and to cooperate with all other international and regional human rights mechanisms;

7. *Requests* the Government of Eritrea to fully respect land rights in relation to traditional ownership and property rights, including those of foreign communities, and to bring to an end all arbitrary deprivation of property in violation of international law;

8. *Encourages* States to protect and pay due attention to the safety of those who have cooperated with the commission of inquiry and the Special Rapporteur, in particular to protect them from reprisals;

9. *Welcomes* the Special Rapporteur's preliminary contact with the African Union, and takes note of her recommendations for a regional accountability mechanism,[2] given the assertion by the commission of inquiry that neither a hybrid tribunal nor a truth commission would be a viable option in the current circumstances;

10. *Urges* Eritrea to make information available pertaining to the remaining Djiboutian prisoners of war missing since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

11. *Encourages* business enterprises to carry out appropriate human rights due diligence in order to identify, prevent, mitigate and account for how they address their impact on human rights, including with respect to allegations of use of conscript labour;

12. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea, in accordance with Human Rights Council resolution 35/35 of 23 June 2017, for a period of one year;

[2] See A/HRC/38/50.

13. *Requests* the Special Rapporteur to submit and present a written report to the Human Rights Council at its forty-first session, and to engage in an interactive dialogue with the General Assembly on her report at its seventy-third session;

14. *Decides* to hold an enhanced interactive dialogue on the situation of human rights in Eritrea, at its fortieth session, with the participation of, inter alia, the Special Rapporteur, the Office of the High Commissioner, civil society and other relevant stakeholders;

15. *Invites* the Special Rapporteur to assess and report on the situation of human rights and the engagement and cooperation of the Government of Eritrea with the Human Rights Council and its mechanisms, as well as with the Office of the High Commissioner, and, where feasible, to develop benchmarks for progress and a time-bound action plan for their implementation;

16. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting access to the country, and to give due consideration to the recommendations contained in the reports of the Special Rapporteur;

17. *Requests* the Office of the High Commissioner to present an oral update to the Human Rights Council at its fortieth session on progress made in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

18. *Encourages* the Government of Eritrea to consider the establishment of a presence of the Office of the High Commissioner in Eritrea with a holistic mandate to protect, promote and monitor human rights, with unhindered access;

19. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

20. *Encourages* Member States to increase attention and, if feasible, resources to improve the situation of human rights in Eritrea by strengthening engagement with the Government of Eritrea;

21. *Reiterates* its strong encouragement to the African Union to follow up on the report and recommendations of the commission of inquiry[1] and the update on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for crimes involving violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity;

22. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil her mandate;

23. *Decides* to remain seized of the matter.

United Nations A/HRC/38/L.15/Rev.1

General Assembly

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4 July 2018

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Djibouti,* Somalia:* draft resolution

38/... Situation of human rights in Eritrea

The Human Rights Council,

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Recalling resolution 91 and decisions 250/2002, 275/2003 and 428/12 of the African Commission on Human and Peoples' Rights,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

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* State not a member of the Human Rights Council.

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5. *Reiterates* that all those responsible for human rights violations and abuses must be held accountable;

6. *Also reiterates* its calls upon the Government of Eritrea:

(a) To end the use of torture and other cruel, inhumane and degrading treatment or punishment, including by ending the use of secret detention centres and the practice of incommunicado detention;

(b) To respect everyone's rights to freedom of expression, and to freedom of thought, conscience and religion or belief, and the right to freedom of peaceful assembly and association, to ensure free, fair and equal access to an independent and impartial court, and to improve prison conditions, including by prohibiting the use of underground cells, shipping containers and other inappropriate facilities to hold prisoners, ending the use of secret detention centres and the practice of irregular and incommunicado detention, allowing regular access to prisoners for relatives, legal representatives and independent monitoring mechanisms, and ensuring timely and regular unhindered access to medical care;

(c) To ensure that prompt and effective investigations are conducted into all allegations of human rights violations, including torture and ill-treatment, with a view to bringing perpetrators to justice;

(d) To stop and prevent shooting to wound or kill Eritrean citizens attempting to cross the border to flee the country;

(e) To release all those arbitrarily detained, including members of the G-15 reform group, journalists, religious figures and political prisoners, and ensure that all detainees are given a fair and transparent trial;

[1] A/HRC/32/47.

(f) To put an end to the indefinite nature of national/military service and the use of conscripts as forced labour, and ensure that all the rights of those serving national and military service are protected;

(g) To ensure the right to form and join political parties, and to guarantee the right and opportunity of all citizens to take part at all levels in the political process and to vote and be elected in free, fair and transparent democratic elections, guaranteeing free expression of the will of the people;

(h) To seek support to establish an independent, impartial and transparent judiciary, with a view to ensuring access to justice for all;

(i) To work to finalize and implement the Constitution of 1997 in consultation with all relevant stakeholders;

(j) To immediately stop the practice of demanding that Eritreans in the diaspora sign the B4/4.2 form (the so-called "regret form"), in which they accept responsibility for any crime, if committed, before leaving the country, in order to access consular services from Eritrean diplomatic missions;

(k) To stop the use of extortion, threats of violence, fraud and other illicit means of collecting taxes outside Eritrea from its nationals or other individuals of Eritrean origin, and to abstain from such practices;

(l) To allow independent media and independent civil society organizations to operate freely;

(m) To provide the Office of the High Commissioner with all relevant information on the identity, safety, well-being and whereabouts of all detained persons and persons missing in action, including members of the G-15, journalists, those detained in the aftermath of the attempted takeover on 21 January 2013 of the building of the Ministry of Information, and the 13 Djiboutian prisoners of war still detained;

(n) To allow unhindered access to the country by the Office of the High Commissioner and the mechanisms of the Human Rights Council, and to cooperate with all other international and regional human rights mechanisms;

7. *Requests* the Government of Eritrea to fully respect land rights in relation to traditional ownership and property rights, including those of foreign communities, and to bring to an end all arbitrary deprivation of property in violation of international law;

8. *Encourages* States to protect and pay due attention to the safety of those who have cooperated with the commission of inquiry and the Special Rapporteur, in particular to protect them from reprisals;

9. *Welcomes* the Special Rapporteur's preliminary contact with the African Union, takes note of her recommendations for a regional accountability mechanism,[2] and encourages further contacts between the Special Rapporteur, the African Union and other regional mechanisms with regard to human rights violations and abuses in Eritrea with a view to promoting accountability and fighting impunity;

10. *Urges* Eritrea to make information available pertaining to the remaining Djiboutian prisoners of war missing since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

11. *Encourages* business enterprises to carry out appropriate human rights due diligence in order to identify, prevent, mitigate and account for how they address their impact on human rights, including with respect to allegations of use of conscript labour;

12. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year;

[2] See A/HRC/38/50.

13. *Requests* the Special Rapporteur to submit and present a written report to the Human Rights Council at its forty-first session, and to engage in an interactive dialogue with the General Assembly on her report at its seventy-third session;

14. *Decides* to hold an enhanced interactive dialogue on the situation of human rights in Eritrea, at its fortieth session, with the participation of, inter alia, the Special Rapporteur, the Office of the High Commissioner, civil society and other relevant stakeholders;

15. *Invites* the Special Rapporteur to assess and report on the situation of human rights and the engagement and cooperation of the Government of Eritrea with the Human Rights Council and its mechanisms, as well as with the Office of the High Commissioner, and, where feasible, to develop benchmarks for progress in improving the situation of human rights and a time-bound action plan for their implementation;

16. *Calls upon* the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting access to the country, and to give due consideration to the recommendations contained in the reports of the Special Rapporteur;

17. *Requests* the Office of the High Commissioner to present an oral update to the Human Rights Council at its fortieth session on progress made in the cooperation between Eritrea and the Office, and on its impact on the situation of human rights in Eritrea;

18. *Encourages* the Government of Eritrea to consider the establishment of a presence of the Office of the High Commissioner in Eritrea with a holistic mandate to protect, promote and monitor human rights, with unhindered access;

19. *Urges* the international community to strengthen efforts and collaboration to ensure the protection of those fleeing from Eritrea, in particular unaccompanied children;

20. *Encourages* Member States to increase attention and, if feasible, resources to improve the situation of human rights in Eritrea by strengthening engagement with the Government of Eritrea;

21. *Reiterates* its strong encouragement to the African Union to follow up on the report and recommendations of the commission of inquiry[1] and the update on human rights in Eritrea by establishing an investigation, supported by the international community, with a view to examining and bringing to justice those responsible for crimes involving violations and abuses of human rights identified by the commission of inquiry, including any that may amount to a crime against humanity;

22. *Requests* the Secretary-General to provide the Special Rapporteur with all the information and resources necessary to fulfil her mandate;

23. *Decides* to remain seized of the matter.

United Nations A/HRC/38/L.16

General Assembly

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29 June 2018

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Australia, Austria,* Bosnia and Herzegovina,* Bulgaria,* Costa Rica,* Croatia, Cyprus,* Czechia,* Denmark,* Finland,* Germany, Honduras,* Iceland,* Italy,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands,* New Zealand,* Norway,* Paraguay,* Peru, Poland,* Portugal,* Republic of Moldova,* Romania,* San Marino,* Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia,* Tunisia, United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... The promotion and protection of human rights in the context of peaceful protests

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and other relevant regional human rights instruments,

Recalling the Vienna Declaration and Programme of Action,

Recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reaffirming that, consistent with the Universal Declaration of Human Rights, States Members of the United Nations have pledged to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling its decision 17/120 of 17 June 2011 and its resolutions 19/35 of 23 March 2012, 22/10 of 21 March 2013, 25/38 of 28 March 2014 and 31/37 of 24 March 2016 on the promotion and protection of human rights in the context of peaceful protests, and other relevant resolutions of the Human Rights Council,

* State not a member of the Human Rights Council.

Recognizing that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with States' obligations under applicable international human rights instruments,

Recognizing also that any such restrictions must be based in law, and be necessary and proportionate to further a legitimate aim, in accordance with the State's obligations under applicable international human rights instruments, and that, if imposed, administrative or judicial review that is prompt, competent, independent and impartial should be available,

Recalling that States have the primary responsibility for the promotion and protection of human rights and fundamental freedoms, including in the context of assemblies such as peaceful protests, and to ensure that national legislation, policies and practices, as the national framework for the exercise of the rights to freedom of peaceful assembly, of expression and of association, are in compliance with international human rights law,

Noting that the proper management of assemblies involves and can have an impact on respect for human rights before, during and after an assembly, and aims to contribute to its peaceful conduct and to prevent injuries to and loss of life of protesters, those monitoring such protests, bystanders and officials exercising law enforcement duties,

Acknowledging that peaceful protests can occur in all societies, including protests that are spontaneous, simultaneous, unauthorized or restricted,

Acknowledging also that participation in peaceful protests can be an important form of exercising the rights to freedom of peaceful assembly, of expression, of association and of participation in the conduct of public affairs,

Recognizing that peaceful protests can make a positive contribution to the development, strengthening and effectiveness of democratic systems and to democratic processes, including elections and referendums,

Recognizing also that peaceful protests have historically played a constructive social and political role in the development of more just and accountable societies, and that such protests can continue to make a positive contribution to human development,

Acknowledging that peaceful protests can contribute to the full enjoyment of civil, political, economic, social and cultural rights,

Reaffirming that everyone has the right to life, liberty and security of person,

Reaffirming also that participation in public and peaceful protests should be entirely voluntary and uncoerced,

Stressing therefore that everyone, including persons espousing minority or dissenting views or beliefs, must be able to express their grievances or aspirations in a peaceful manner, including through public protests, without fear of reprisal or of being intimidated, harassed, injured, sexually assaulted, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance,

Deeply concerned about extrajudicial, summary or arbitrary executions, and torture and other cruel, inhuman or degrading treatment or punishment of persons exercising their rights to freedom of peaceful assembly, of expression and of association in all regions of the world,

Concerned about the emerging trend of disinformation and of undue restrictions preventing Internet users from having access to or disseminating information at key political moments, with an impact on the ability to organize and conduct assemblies,

Noting that the possibility of using communications technology securely and privately, in accordance with international human rights law, is important for the organization and conduct of assemblies,

Noting also that, although an assembly has generally been understood as a physical gathering of people, human rights protections, including for the rights to freedom of peaceful assembly, of expression and of association, may apply to analogous interactions taking place online,

Recalling the rights to freedom of peaceful assembly and of association, which encompass organizing, participating, observing, monitoring and recording assemblies,

Expressing its concern at the criminalization, in all parts of the world, of individuals and groups solely for having organized, taken part in or observed, monitored or recorded peaceful protests,

Stressing that peaceful protests should not be viewed as a threat, and therefore encouraging all States to engage in an open, inclusive and meaningful dialogue when dealing with peaceful protests and their causes,

Recalling that isolated acts of violence committed by others in the course of a protest do not deprive peaceful individuals of their rights to freedom of peaceful assembly, of expression and of association,

Bearing in mind that assemblies can be facilitated on the basis of communication and collaboration among protesters, local authorities and officials exercising law enforcement duties,

Recognizing that national human rights institutions and representatives of civil society, including non-governmental organizations, can play a useful role in facilitating continued dialogue between individuals taking part in peaceful protests and the relevant authorities,

Stressing the need to ensure full accountability for human rights violations or abuses in the context of peaceful protests,

Recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,

Encouraging all States to make appropriate use of the *Resource book on the use of force and firearms in law enforcement* published by the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, and the updated training package of the Office of the High Commissioner on human rights law and law enforcement,

Recalling the importance of adequate training for officials exercising law enforcement duties assigned to the management of assemblies, and of refraining, to the extent feasible, from assigning military personnel to perform such duties,

1. *Recalls* that States have the responsibility, including in the context of peaceful protests, to promote and protect human rights and to prevent human rights violations and abuses, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances and torture and other cruel, inhuman or degrading treatment or punishment, and calls upon States to avoid the abuse of criminal and civil proceedings, or threats of such acts at all times;

2. *Calls upon* States to promote a safe and enabling environment for individuals and groups to exercise their rights to freedom of peaceful assembly, of expression and of association, including by ensuring that domestic legislation and procedures relating to the rights to freedom of peaceful assembly, of expression and of association are in conformity with their international human rights obligations and commitments, to clearly and explicitly establish a presumption in favour of the exercise of these rights, and that they are effectively implemented;

3. *Encourages* all States to give due consideration to the compilation of practical recommendations for the proper management of assemblies based on best

practices and lessons learned,[1] which provides a useful tool for States on how to fulfil their obligations and commitments, including on how to operationalize them in their domestic laws, procedures and practices, and to promote and protect human rights in the context of assemblies, including peaceful protests;

4. *Urges* States to facilitate peaceful protests by providing protestors, to the extent possible, with access to public space within sight and sound of their intended target audience, and by protecting them, without discrimination, where necessary, against any form of threat or harassment, and underlines the role of local authorities in this regard;

5. *Underlines* the important role that communication between protestors, local authorities and officials exercising law enforcement duties can play in the proper management of assemblies, such as peaceful protests, and calls upon States to establish such appropriate channels;

6. *Urges* States to pay particular attention to the safety and protection of women and women human rights defenders from acts of intimidation and harassment, as well as gender-based violence, including sexual assault, in the context of peaceful protests;

7. *Reaffirms* that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, expression and association, including in the context of peaceful protests;

8. *Calls upon* all States to pay particular attention to the safety of journalists and media workers observing, monitoring and recording peaceful protests, taking into account their specific role, exposure and vulnerability;

9. *Also calls upon* all States to refrain from and cease measures, when in violation of international human rights law, seeking to block Internet users from gaining access to or disseminating information online;

10. *Urges* all States to avoid using force during peaceful protests, to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force, and also to ensure that assistance and medical aid are rendered to any injured or affected person at the earliest possible moment;

11. *Calls upon* States, as a matter of priority, to ensure that their domestic legislation and procedures are consistent with their international obligations and commitments in relation to the use of force in the context of law enforcement and are effectively implemented by officials exercising law enforcement duties, in particular, applicable principles of law enforcement, such as necessity and proportionality, bearing in mind that lethal force may only be used as a last resort to protect against an imminent threat to life and that it may not be used merely to disperse a gathering;

12. *Affirms* that nothing can ever justify the indiscriminate use of lethal force against a crowd, which is unlawful under international human rights law;

13. *Calls upon* States to investigate any death or significant injury incurred during protests, including those resulting from the discharge of firearms or the use of less-lethal weapons by officials exercising law enforcement duties or by private personnel acting on behalf of the State;

14. *Also calls upon* States to ensure adequate training of officials exercising law enforcement duties and, where applicable, to promote adequate training for private personnel acting on behalf of the State, including in international human rights law and, where appropriate, international humanitarian law, and in this regard urges States to include in such training the application of de-escalation strategies;

15. *Encourages* States to make appropriate protective equipment and less-lethal weapons available to their officials exercising law enforcement duties in order to decrease their need to use weapons of any kind, while pursuing efforts to regulate and establish

[1] See A/HRC/31/66.

protocols for the training and use of less-lethal weapons, bearing in mind that even less-lethal weapons can result in a risk to life;

16. *Underlines* the importance of thorough and independent testing of less-lethal weapons prior to procurement and deployment to establish their lethality and the extent of likely injury, and of monitoring appropriate training and use of such weapons;

17. *Stresses* the importance of international cooperation in support of national efforts for the promotion and protection of human rights and fundamental freedoms in the context of assemblies, including peaceful protests, in order to raise the capacities of law enforcement agencies to deal with such assemblies in a manner that conforms to international human rights law and standards;

18. *Underlines* the necessity to address the management of assemblies, including peaceful protests, so as to contribute to their peaceful conduct, and to prevent injuries, including those that lead to disability, and loss of life of protestors, those observing, monitoring and recording such assemblies, bystanders, and officials exercising law enforcement duties, as well as any human rights violation or abuse, to ensure accountability for such violations and abuses and to provide victims with access to a remedy and redress;

19. *Recognizes* the importance of documenting human rights violations and abuses committed in the context of peaceful protests, and the role that can be played by national human rights institutions, civil society, including non-governmental organizations, journalists and other media workers, Internet users and human rights defenders, in this regard;

20. *Urges* States to ensure accountability for human rights violations and abuses through judicial or other national mechanisms, based on law in conformity with their international human rights obligations and commitments, and to provide victims with access to a remedy and redress, including in the context of peaceful protests;

21. *Requests* the United Nations High Commissioner for Human Rights to prepare and a thematic report on new technologies, including information and communications technology, and their impact on the promotion and protection of human rights in the context of assemblies, including peaceful protests, and to submit it to the Human Rights Council prior to its forty-fourth session;

22. *Also requests* the High Commissioner, in preparing the thematic report, to draw from the experience of treaty bodies and to seek the views of States and relevant partners, such as United Nations agencies, regional organizations, national human rights institutions, civil society organizations and relevant special procedure mandate holders;

23. *Decides* to continue its consideration of this topic and next steps at its forty-fourth session under agenda item 3.

United Nations A/HRC/38/L.17

General Assembly

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2 July 2018

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile, Costa Rica,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* Georgia, Germany, Ghana,* Greece,* Honduras,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands,* New Zealand,* Norway,* Paraguay,* Peru, Poland,* Portugal,* Republic of Moldova,* Romania,* Sierra Leone,* Slovakia, Slovenia, Spain, Sweden,* Switzerland, Tunisia, Ukraine, Uruguay:* draft resolution

38/... Civil society space: engagement with international and regional organizations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recognizing their continued significance and relevance in the context of their anniversaries, and guided also by the International Covenants on Human Rights and all other relevant instruments,

Reaffirming the importance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular in the context of its twentieth anniversary,

Recalling its resolutions 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,

Recalling also all other Human Rights Council and General Assembly resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of human rights; promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

* State not a member of the Human Rights Council.

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Recalling further Economic and Social Council resolution 1996/31 of 25 July 1996 and the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels while acknowledging their expertise and their capacity to support the work of the United Nations,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

Recalling the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006, and welcomes the contribution of civil society in this regard,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, including the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, and also welcoming its recognition of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Welcoming also the fundamental contribution that civil society and human rights defenders make to the promotion of human rights, the creation of peaceful dialogue and the building of pluralistic democracies,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, discrimination and attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights, and strongly condemning all such violations and abuses,

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter of the United Nations and international human rights law,

Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society actors, or registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use or misuse of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

Recognizing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of a diverse and pluralistic civil society, and that undue restrictions on funding to civil society actors undermine the right to freedom of association and the ability to participate effectively and meaningfully in regional and international organizations,

Reaffirming the importance of adopting and implementing non-discriminatory measures to assist in the strengthening of a diverse and pluralistic civil society, including

through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in decision-making processes,

Recognizing that access to information, online and offline, is fundamentally important to civil society organizations in conducting their work effectively and meaningfully, and that any restriction on the freedom to seek, receive and impart information must comply with relevant international law,

Recognizing also the crucial importance of the active involvement of civil society, at the national, regional and international levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

1. *Reaffirms* that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations;[1]

3. *Urges* States to fulfil their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, online and offline as applicable, inter alia, the right to freedom of expression and opinion, including artistic expression and creativity, and the right to assemble peacefully and associate freely;

4. *Encourages* States and organizations to put in place transparent, fair and gender-sensitive accreditation processes that deliver prompt decisions in compliance with human rights standards, including by establishing grievance mechanisms for redress, and address any erroneous accreditation decisions;

5. *Encourages* States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including indigenous peoples and others not associated with or organized in non-governmental organizations;

6. *Urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;

7. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;

[1] A/HRC/38/18.

8. *Urges* States and strongly encourages international and regional organizations to adopt and implement robust policies on access to information, in compliance with relevant international law;

9. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;

10. *Emphasizes* the essential contribution that civil society makes to regional and international organizations, including through advocacy and awareness-raising, the sharing of expertise and knowledge, and implementation, monitoring and evaluation processes, and once again unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms;

11. *Recognizes* the valuable contribution of national, regional and international human rights mechanisms and bodies, including the universal periodic review and the special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

12. *Also recognizes* that the effective functioning of the above-mentioned regional and international human rights mechanisms and bodies is inexorably linked to civil society participation;

13. *Encourages* the special procedures of the Human Rights Council, the treaty bodies and relevant United Nations bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;

14. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, in compliance with Human Rights Council resolution 5/1 of 18 June 2007, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review, and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review;

15. *Encourages* States to apply good practices, including, but not limited to, those compiled in the report of the High Commissioner on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society,[2] and the good procedures and practices identified by the High Commissioner in his report on procedures and practices in respect of civil society engagement with international and regional organizations;[1]

16. *Invites* States to seek technical assistance and advice in this regard, including from the Office of the High Commissioner, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

17. *Strongly encourages* all relevant United Nations bodies to update their frameworks for engagement with civil society as appropriate in order to reflect and respond to the challenges, including those highlighted by the High Commissioner in his report,[1] and to support improved civil society engagement with regional and international organizations;

18. *Calls upon* States to update their national frameworks for engagement with civil society as appropriate in order to reflect and respond to the challenges, including those highlighted by the High Commissioner in his report,[1] with a view both to improving engagement with civil society at the national level and supporting improved civil society engagement with regional and international organizations;

[2] A/HRC/32/20.

19. *Notes* the intention of a group of States to undertake a stocktaking exercise in the run-up to the forty-first session of the Human Rights Council, to examine the progress made to date in improving civil society engagement in international and regional organizations, with particular reference to the recommendations made by the High Commissioner in his report,[1] and invites States and other stakeholders, including the Office of the High Commissioner and civil society, to participate in this exercise;

20. *Welcomes* the work of the Office of the High Commissioner to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;

21. *Requests* the High Commissioner to prepare a report assessing progress made in improving civil society engagement with international and regional organizations and to present it to the Human Rights Council at its forty-fourth session;

22. *Decides* to remain seized of the matter.

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Australia, Austria,* Belgium, Benin,* Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile, Costa Rica,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Georgia, Germany, Ghana,* Greece,* Honduras,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Montenegro,* Netherlands,* New Zealand,* Norway,* Paraguay,* Peru, Poland,* Portugal,* Republic of Moldova,* Romania,* Sierra Leone,* Slovakia, Slovenia, Spain, Sweden,* Switzerland, Tunisia, Ukraine, Uruguay:* draft resolution

38/... Civil society space: engagement with international and regional organizations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recognizing their continued significance and relevance in the context of their anniversaries, and guided also by the International Covenants on Human Rights and all other relevant instruments,

Reaffirming the importance of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, in particular in the context of its twentieth anniversary,

Recalling its resolutions 27/31 of 26 September 2014 and 32/31 of 1 July 2016 on civil society space, and 24/21 of 27 September 2013, on civil society space: creating and maintaining, in law and in practice, a safe and enabling environment,

Recalling also all other Human Rights Council and General Assembly resolutions relevant to creating and maintaining civil society space, inter alia, those addressing freedom of opinion and expression; the rights to freedom of peaceful assembly and of association; protecting human rights defenders; equal participation in political and public affairs; cooperation with the United Nations, its representatives and mechanisms in the field of human rights; promotion and protection of human rights in the context of peaceful protests; and the promotion, protection and enjoyment of human rights on the Internet,

* State not a member of the Human Rights Council.

Recalling further Economic and Social Council resolution 1996/31 of 25 July 1996 and the need to take into account the full diversity of non-governmental organizations at the national, regional and international levels while acknowledging their expertise and their capacity to support the work of the United Nations,

Recognizing the important role of civil society at the local, national, regional and international levels, that civil society facilitates the achievement of the purposes and principles of the United Nations, and that the undue restriction of civil society space therefore has a negative impact upon their achievement,

Recalling the role of the Human Rights Council in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 of 15 March 2006, and welcomes the contribution of civil society in this regard,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, including the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable and inclusive institutions at all levels, and strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, and also welcoming its recognition of the importance of multi-stakeholder partnerships for the achievement of the Sustainable Development Goals,

Welcoming also the fundamental contribution that civil society and human rights defenders make to the promotion of human rights, the creation of peaceful dialogue and the building of pluralistic democracies,

Gravely concerned that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms frequently face threats, harassment, discrimination and attacks and suffer insecurity as a result of those activities, including through restrictions on freedom of association or expression or the right to peaceful assembly, or abuse of criminal or civil proceedings, or deplorable acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights, and strongly condemning all such violations and abuses,

Underscoring that the legal framework within which civil society operates is that of national legislation consistent with the Charter of the United Nations and international human rights law,

Mindful that domestic legal and administrative provisions and their application should facilitate, promote and protect an independent, diverse and pluralistic civil society, and in this regard strongly rejecting all threats, attacks, reprisals and acts of intimidation against civil society actors, and underscoring that States should investigate any such alleged acts, ensure accountability and effective remedies, and take steps to prevent any further such threats, attacks, reprisals or acts of intimidation,

Deeply concerned that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society actors, or registration or reporting requirements, have sought to or have been misused to hinder the work and endanger the safety of civil society, and recognizing the urgent need to prevent and stop the use or misuse of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure their compliance with international human rights law and, where applicable, international humanitarian law,

Recognizing that the ability to seek, secure and use resources is essential to the existence and sustainable operation of a diverse and pluralistic civil society, and that undue restrictions on funding to civil society actors undermine the right to freedom of association and the ability to participate effectively and meaningfully in regional and international organizations,

Reaffirming the importance of adopting and implementing non-discriminatory measures to assist in the strengthening of a diverse and pluralistic civil society, including

through the strengthening of the rule of law, social and economic development, the promotion of the right to freedom of expression, online and offline, including artistic expression and creativity, access to information, the rights of peaceful assembly and freedom of association, including soliciting, receiving and utilizing resources, and the administration of justice, and to the real and effective participation of the people in decision-making processes,

Recognizing that access to information, online and offline, is fundamentally important to civil society organizations in conducting their work effectively and meaningfully, and that any restriction on the freedom to seek, receive and impart information must comply with relevant international law,

Recognizing also the crucial importance of the active involvement of civil society, at the national, regional and international levels, in processes of governance and in promoting good governance, including through transparency and accountability, at all levels, which is indispensable for building peaceful, prosperous and democratic societies,

1. *Reaffirms* that creating and maintaining a safe and enabling environment in which civil society can operate free from hindrance and insecurity assists States in fulfilling their existing international human rights obligations and commitments, without which equality, accountability and the rule of law are severely weakened, with implications at the national, regional and international levels;

2. *Urges* States to fulfil their obligation to respect and fully protect the civil, political, economic, social and cultural rights of all individuals, online and offline as applicable, inter alia, the right to freedom of expression and opinion, including artistic expression and creativity, and the right to assemble peacefully and associate freely;

3. *Encourages* States and organizations to put in place transparent, fair and gender-sensitive accreditation processes that deliver prompt decisions in compliance with human rights standards, including by establishing grievance mechanisms for redress, and address any erroneous accreditation decisions;

4. *Encourages* States to take every opportunity to support diversity of civil society participation, with particular emphasis on underrepresented parts of civil society, including women, children, youth, older persons, persons with disabilities, persons belonging to ethnic, religious, national, linguistic and racial minorities, migrants, refugees, and others, and also including indigenous peoples and others not associated with or organized in non-governmental organizations;

5 *Urges* States to take all steps necessary to prevent threats, attacks, discrimination, arbitrary arrests and detention or other forms of harassment, reprisals and acts of intimidation against civil society actors, to investigate any such alleged acts, to ensure access to justice and accountability, and to end impunity where such violations and abuses have occurred, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals;

6. *Calls upon* States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work;

7 *Urges* States and strongly encourages international and regional organizations to adopt and implement robust policies on access to information, in compliance with relevant international law;

8. *Urges* all non-State actors to respect all human rights and not to undermine the capacity of civil society to operate free from hindrance and insecurity;

9. *Emphasizes* the essential contribution that civil society makes to regional and international organizations, including through advocacy and awareness-raising, the sharing of expertise and knowledge, and implementation, monitoring and evaluation processes, and

once again unequivocally reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with regional and international bodies, and their representatives and mechanisms;

10. *Recognizes* the valuable contribution of national, regional and international human rights mechanisms and bodies, including the universal periodic review and the special procedures of the Human Rights Council, the human rights treaty bodies and national human rights institutions, to the promotion and protection of civil society space;

11 *Also recognizes* that the effective functioning of the above-mentioned regional and international human rights mechanisms and bodies is inexorably linked to civil society participation;

12. *Encourages* the special procedures of the Human Rights Council, the treaty bodies and relevant United Nations bodies, agencies, funds and programmes to continue to address relevant aspects of civil society space in the framework of their respective mandates;

13. *Urges* States to ensure that the issue of the creation and maintenance of a safe and enabling environment for civil society is addressed in the context of the universal periodic review, and encourages States in that regard to consult civil society in the preparation of their national reports, to consider including in their national reports information on relevant domestic provisions and steps, to consider making relevant recommendations to States under review, and to assist States in the implementation of relevant recommendations through, inter alia, the sharing of experiences, good practices and expertise and offering technical assistance on the basis of requests and with the consent of the States concerned, and conducting broad consultations with civil society in the follow-up to their review, in compliance with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 25 March 2011;

14. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on procedures and practices in respect of civil society engagement with international and regional organizations,[1] and notes the concerns expressed therein regarding the challenges facing civil society in this regard;

15. *Encourages* States to apply good practices, including, but not limited to, those compiled in the report of the High Commissioner on practical recommendations for the creation and maintenance of a safe and enabling environment for civil society,[2] and the good procedures and practices identified by the High Commissioner in his report on procedures and practices in respect of civil society engagement with international and regional organizations;[1]

16. *Invites* States to seek technical assistance and advice in this regard, including from the Office of the High Commissioner, relevant special procedures of the Human Rights Council and from regional human rights mechanisms;

17. *Calls upon* States to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil society engagement with international and regional organizations, and welcomes efforts already made in this regard;

18. *Strongly encourages* all relevant United Nations bodies to review, and update as appropriate, their frameworks for engagement with civil society to ensure that those frameworks reflect and respond to the challenges faced, in order to support improved civil society engagement with international and regional organizations, and welcomes efforts already made in this regard;

19. *Notes* the intention of a group of States to undertake a stocktaking exercise in the run-up to the forty-first session of the Human Rights Council, to examine the progress made to date in improving civil society engagement in international and regional

[1] A/HRC/38/18.
[2] A/HRC/32/20.

organizations, with particular reference to the recommendations made by the High Commissioner in his report,[1] and invites States and other stakeholders, including the Office of the High Commissioner and civil society, to participate in this exercise;

20. *Welcomes* the work of the Office of the High Commissioner to promote and protect civil society space, including its work on widening the democratic space, and invites it to continue efforts in this regard;

21. *Requests* the High Commissioner to prepare a report on progress made in improving civil society engagement with international and regional organizations and to present it to the Human Rights Council at its forty-fourth session;

22. *Decides* to remain seized of the matter.

United Nations A/HRC/38/L.18

General Assembly

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Argentina,* Austria,* Belgium, Bosnia and Herzegovina,* Canada,* Chile, Colombia,* Denmark,* Finland,* Gambia,* Germany, Ghana,* Honduras,* Iceland,* Ireland,* Liechtenstein,* Netherlands,* Niger,* Norway,* Paraguay,* Peru, Portugal,* Russian Federation,* Spain, Switzerland, Thailand,* the former Yugoslav Republic of Macedonia,* Tunisia, Turkey:* draft resolution

38/... Business and human rights: improving accountability and access to remedy

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the Vienna Declaration and Programme of Action, and recalling also the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recognizing the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of the International Labour Organization, which provides direct guidance to enterprises on social policy and inclusive, responsible and sustainable workplace practices as a global instrument that was formulated and has been adopted by Governments, employers and workers around the world,

Recalling General Assembly resolution 72/247 of 24 December 2017 on the twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also its resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014 and 32/10 of 30 June 2016, and Commission on Human Rights resolution 2005/69 of 20 April 2005, and noting Human Rights Council

* State not a member of the Human Rights Council.

resolution 26/9 of 14 July 2014, all on the issue of human rights and transnational corporations and other business enterprises,

Recalling the adoption by the General Assembly, in its resolution 70/1 of 25 September 2015, of the 2030 Agenda for Sustainable Development, and in this context, in particular paragraph 67 thereof,

Recalling in particular that the endorsement of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights impact from business activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" Framework,

Stressing that the obligation and the primary responsibility to promote, protect and fulfil human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect all human rights,

Recognizing the efforts made to implement the Guiding Principles on Business and Human Rights by various States, business enterprises, international organizations and members of civil society,

Recognizing also that the implementation of the Guiding Principles on Business and Human Rights includes implementation of the access to remedy pillar, and encouraging States to take appropriate steps to improve and encourage corporate accountability and access to remedy for victims of business-related human rights abuse,

Expressing concern at reports of intimidation against victims, witnesses and their legal representatives regarding cases of business-related human rights abuse, and emphasizing the need to ensure their safety,

Recognizing the valuable role played by civil society, including non-governmental organizations, in promoting the implementation of the Guiding Principles on Business and Human Rights and accountability for business-related human rights abuses and in raising awareness of the human rights impact and risks of business enterprises and activities,

Recognizing also that the operational principles of the access to remedy pillar include State-based judicial mechanisms, State-based non-judicial grievance mechanisms and non-State-based grievance mechanisms,

Reaffirming in particular that independent and effective judicial mechanisms are at the core of ensuring access to remedy, and encourage States to provide effective and appropriate judicial and non-judicial grievance mechanisms as part of access to remedy for business-related human rights abuses,

Reaffirming that States can play a helpful role in raising awareness of or facilitating access to non-State-based grievance mechanisms alongside the mechanisms provided by States themselves as part of comprehensive efforts to provide remedy for business-related human rights abuses,

Recognizing that national legal, policy or regulatory measures and national action plans on business and human rights can play an important role in implementing the Guiding Principles on Business and Human Rights, including in identifying and addressing issues on access to remedy for business-related human rights abuses,

Recognizing also the positive and valuable role played by civil society, including non-governmental organizations, business enterprises and trade unions, in the promotion and protection of human rights, including in the context of corporate activity and when seeking accountability and assisting victims in their access to effective remedies in cases of business-related human rights abuses,

Recognizing further the important role of national human rights institutions in supporting activities to improve accountability and access to remedy for victims of business-related human rights abuse, including through supporting the effective implementation of the Guiding Principles on Business and Human Rights,

Recognizing that an increasing number of business enterprises have taken steps to implement the Guiding Principles on Business and Human Rights,

Recognizing also that non-State-based grievance mechanisms administered by business enterprises, alone or with stakeholders, by industry associations or other multi-stakeholder initiatives may offer, in particular when aligned with the Guiding Principles on Business and Human Rights, such benefits as speed of access and remediation and reduced costs,

Recognizing further the shared interest of business, States and civil society in an environment that is pluralistic and non-discriminatory, upholding the rule of law and promoting transparency, and that responsible business enterprises benefit from and often depend upon legal certainty, transparency and predictability, and fair and effective domestic judicial mechanisms,

1. *Welcomes* the work of the United Nations High Commissioner for Human Rights on improving accountability and access to remedy for victims of business-related human rights abuse, and notes with appreciation his report on improving accountability and access to non-judicial remedy for business-related human rights abuses;[1]

2. *Also welcomes* the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in guiding and chairing the annual Forum on Business and Human Rights and in convening regional meetings to discuss challenges and lessons learned in a regional context;

3. *Further welcomes* the efforts of the Working Group to explore options for enhancing access to effective remedies, including in its latest report to the General Assembly[2] and in the sixth session of the Forum, which focused on realizing access to effective remedy;[3]

4. *Invites* States to consider using the reports of the High Commissioner, including the recommendations therein, when seeking to enhance the ability and effectiveness of state-based judicial and non-judicial mechanisms;

5. *Also invites* States to work through relevant intergovernmental processes to enhance accountability and access to remedy for victims in cases of business involvement in human rights abuses;

6. *Encourages* all business enterprises to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights and in other applicable standards, including for example by actively contributing to initiatives aimed at fostering a culture of respect for the rule of law, for the protection of human rights, participating in good faith in national judicial and non-judicial processes, and by establishing effective operational-level mechanisms to enable the early resolution of grievances;

7. *Encourages* business enterprises to share publicly and disseminate broadly information regarding their human rights policies and procedures to enhance engagement with stakeholders, including affected communities, with respect to business operations and the preventative measures that businesses can take;

8. *Requests* the Working Group, mindful of the guidance provided by the Accountability and Remedy Project of the Office of the High Commissioner, to analyse further the role of national human rights institutions in facilitating access to remedy for business-related human rights abuses, and to convene a two-day global consultation on these issues, open to all stakeholders, and to inform the Council by its forty-fourth session as appropriate;

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[1] A/HRC/38/20 and Adds.1-2.

[2] A/72/162.

[3] See A/HRC/38/49.

9. *Requests* the High Commissioner to continue his work in this area, including the dissemination of parts I and II of the Accountability and Remedy Project,[4] and to identify and analyse challenges, opportunities, best practices and lessons learned with regard to non-State-based grievance mechanisms that are relevant to the respect by business enterprises for human rights, to convene two consultations, involving representatives of States and other stakeholders to discuss such issues, and to submit a report thereon to the Human Rights Council for consideration at its forty-fourth session;

10. *Encourages* all relevant United Nations programmes and agencies to assist States upon their requests, including through technical cooperation and capacity-building activities, and to improve accountability and access to remedy for victims of business-related human rights abuse by taking into consideration the reports of the High Commissioner on the Accountability and Remedy Project and the recommendations contained therein;

11. *Also encourages* national human rights institutions and civil society, including non-governmental organizations, to take into consideration the reports of the High Commissioner on the Accountability and Remedy Project in their activities aimed at supporting States' efforts to improve accountability and access to judicial and non-judicial remedy for victims of business-related human rights abuse;

12. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses, and to inform further deliberations of the Human Rights Council on business and human rights;

13. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

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[4] See A/HRC/32/19 and Corr.1 and Add.1, and A/HRC/38/20 and Add.1.

United Nations A/HRC/38/L.19

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 5
Human rights bodies and mechanisms

Australia, Belgium, Bulgaria,* Colombia,* Croatia, Czechia,* Germany, Honduras,* Iceland,* Ireland,* Luxembourg,* Malta,* Montenegro,* Netherlands,* Norway,* Romania,* Sierra Leone,* Slovakia, Spain, Switzerland, the former Yugoslav Republic of Macedonia,* United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... The contribution of the Human Rights Council to the prevention of human rights violations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenants on Human Rights and other human rights instruments,

Welcoming the fact that 2018 marks the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recognizing that States, including all branches thereof, have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

Reaffirming the contribution the Human Rights Council makes to prevention, as set out in General Assembly resolution 60/251 of 15 March 2006, including paragraph 5 (f), recognizing that all the elements of its mandate are interlinked and mutually reinforcing, and recalling Council resolutions 5/1and 5/2 of 18 June 2007,

Reaffirming also General Assembly resolution 48/141 of 20 December 1993, on the High Commissioner for the promotion and protection of all human rights,

Recalling Human Rights Council resolution 33/6 of 29 September 2016, on the role of prevention in the promotion and protection of human rights, and other relevant resolutions of the Council,

* State not a member of the Human Rights Council.

Recalling also General Assembly resolution 66/137 of 19 December 2011, on the United Nations Declaration on Human Rights Education and Training,

Emphasizing the fact that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling General Assembly resolution 70/262 of 27 April 2016, on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, as well as Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

1. *Recognizes* the contribution the Human Rights Council can make to prevention, including through the mandate set out in paragraph 5 (f) of General Assembly resolution 60/251, which comprises two mutually-reinforcing elements:

(a) To contribute, through dialogue and cooperation, towards the prevention of human rights violations;

(b) To respond promptly to human rights emergencies;

2. *Decides* to convene two intersessional seminars with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, on the contribution that the Human Rights Council can make to the prevention of human rights violations;

3. *Requests* the President of the Human Rights Council to appoint a group consisting of three experts to facilitate the two intersessional seminars, to consult and gather the views of relevant stakeholders in New York, with a view to presenting proposals on how the Council could effectively contribute in the future to the prevention of human rights violations, in the form of a report for consideration by the Council at its forty-third session;

4. *Decides* that the report shall:

(a) Provide an overview of the views reflected in the two seminars;

(b) Give due consideration to how the Human Rights Council can work effectively with all pillars of the United Nations system on the prevention of human rights violations, with a view to strengthening system-wide coherence and contributing to sustaining peace and the implementation of the Sustainable Development Goals;

(c) Give due consideration to the availability in the United Nations system of financial resources for human rights promotion, and for prevention in particular;

5. *Requests* the President of the Human Rights Council, when selecting and appointing the members of the group of experts, to give paramount consideration to relevant multilateral, governmental and human rights expertise and experience, and to gender and broad geographic representation;

6. *Calls upon* States and other relevant stakeholders to cooperate fully with the group of experts and to provide it with all the relevant information to enable it to fulfil its mandate;

7. *Requests* the United Nations High Commissioner for Human Rights to ensure that the group of experts receives the necessary financial and human resources to enable it to discharge its mandate fully;

8. *Decides* to remain seized of the matter.

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 5
Human rights bodies and mechanisms

Afghanistan,* Australia, Austria,* Belgium, Benin,* Bulgaria,* Burkina Faso,* Colombia,* Croatia, Czechia,* El Salvador,* Finland,* France,* Georgia, Germany, Haiti,* Honduras,* Iceland,* Ireland,* Luxembourg,* Malta,* Montenegro,* Netherlands,* Norway,* Romania,* Sierra Leone,* Slovakia, Spain, Switzerland, the former Yugoslav Republic of Macedonia,* United Kingdom of Great Britain and Northern Ireland, Uruguay,* Zambia:* draft resolution

38/... The contribution of the Human Rights Council to the prevention of human rights violations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenants on Human Rights and other human rights instruments,

Welcoming the fact that 2018 marks the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recognizing that States, including all branches thereof, have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

Reaffirming the contribution the Human Rights Council makes to prevention, as set out in General Assembly resolution 60/251 of 15 March 2006, including paragraph 5 (f), recognizing that all the elements of its mandate are interlinked and mutually reinforcing, and recalling Council resolutions 5/1and 5/2 of 18 June 2007,

Reaffirming also General Assembly resolution 48/141 of 20 December 1993, on the High Commissioner for the promotion and protection of all human rights,

* State not a member of the Human Rights Council.

Recalling Human Rights Council resolution 33/6 of 29 September 2016, on the role of prevention in the promotion and protection of human rights, and other relevant resolutions of the Council,

Recalling also General Assembly resolution 66/137 of 19 December 2011, on the United Nations Declaration on Human Rights Education and Training,

Emphasizing the fact that development, peace and security and human rights are interlinked and mutually reinforcing,

Recalling General Assembly resolution 70/262 of 27 April 2016, on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, as well as Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

1. *Recognizes* the contribution the Human Rights Council can make to the prevention of human rights violations, including through the mandate set out in paragraph 5 (f) of General Assembly resolution 60/251, which comprises two mutually-reinforcing elements:

(a) To contribute, through dialogue and cooperation, towards the prevention of human rights violations;

(b) To respond promptly to human rights emergencies;

2. *Decides* to convene two intersessional seminars with States and other relevant stakeholders, including the United Nations Secretariat and relevant bodies, representatives of subregional and regional organizations, international human rights mechanisms, national human rights institutions and non-governmental organizations, on the contribution that the Human Rights Council can make to the prevention of human rights violations;

3. *Requests* the President of the Human Rights Council to appoint, as early as possible, a chair-rapporteur and two rapporteurs to chair and facilitate the two intersessional seminars in Geneva, and to consult and gather the views of relevant stakeholders in Geneva and New York, with a view to presenting proposals on how the Council could effectively contribute in the future to the prevention of human rights violations, in the form of a report for consideration by the Council at its forty-third session;

4. *Decides* that the report shall:

(a) Provide an overview of the views reflected in the two seminars;

(b) Give due consideration to how the Human Rights Council can work effectively with all pillars of the United Nations system on the prevention of human rights violations, with a view to strengthening system-wide coherence and contributing to sustaining peace and the implementation of the Sustainable Development Goals;

(c) Give due consideration to the availability in the United Nations system of financial resources for human rights promotion, and for prevention in particular;

5. *Requests* the President of the Human Rights Council, when appointing the chair-rapporteur, to consult with regional groups and to give paramount consideration to governmental background or experience, and when appointing the rapporteurs, to give paramount consideration to relevant multilateral and human rights expertise and experience, as well as to gender and broad geographic representation;

6. *Calls upon* States and other relevant stakeholders to cooperate fully with the chair-rapporteur and the rapporteurs and to provide them with all the relevant information to enable them to fulfil their mandate;

7. *Requests* the United Nations High Commissioner for Human Rights to ensure that the chair-rapporteur and rapporteurs receive the necessary financial and human resources to enable them to discharge their mandate fully;

8. *Decides* to remain seized of the matter.

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Albania,* Andorra,* Australia, Austria,* Belgium, Bulgaria,* Canada,* Croatia, Czechia,* Denmark,* Estonia,* Finland,* France,* Georgia, Germany, Iceland,* Ireland,* Italy,* Japan, Jordan,* Kuwait,* Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Maldives,* Malta,* Montenegro,* Morocco,* Netherlands,* New Zealand,* Poland,* Portugal,* Qatar, Romania,* Saudi Arabia,* Slovenia, Spain, Sweden,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave situation of human rights across the Syrian Arab Republic,

Condemning also the indiscriminate or deliberate targeting of civilians in violation of international humanitarian law, and recalling the obligation by all parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, such as schools, as well as medical facilities, and the prohibition on attacking, removing, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations, supplies and food stuffs,

Expressing deep concern at the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, including with the equal voice and full and meaningful participation of women in all efforts and decision-making, in accordance with the Geneva communiqué of 30 June 2012 and Security Council resolutions 2118 (2013) of 27

* State not a member of the Human Rights Council.

September 2013 and 2254 (2015) of 18 December 2015, with a view to establishing credible, inclusive and non-sectarian governance, and supporting the Special Envoy of the Secretary-General for Syria is his efforts towards this end,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and stressing the need to respect the de-escalation areas in order to achieve a sustained reduction in violence as a step towards a comprehensive nationwide ceasefire, and emphasizing that humanitarian access must be part of such efforts,

Recalling that, consistent with international humanitarian law and pursuant to relevant Security Council resolutions, including resolutions 2165 (2014) of 14 July 2014 and 2401 (2018) of 24 February 2018, all Syrian parties to the conflict are to enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and life-saving medical supplies, may constitute a violation of international humanitarian law,

Recalling also that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, cultural heritage and places of worship, as well as on medical facilities, patients and personnel, may amount to war crimes,

Recalling further the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Reaffirming that the use of chemical weapons constitutes a serious violation of international law, reiterating that all those responsible for any use of chemical weapons must be held accountable, and regretting that the mandate of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has not been renewed,

Bearing in mind that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel conflict and affect negatively the enjoyment of human rights,

Expressing its deepest concern at the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, and deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts of human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Deplores* the fact that the conflict in the Syrian Arab Republic continues in its eighth year with its devastating impact on the civilian population, and urges all parties to the conflict to abstain immediately from any actions that may contribute to the further deterioration of the human rights, security and humanitarian situations;

2. *Calls upon* all parties to the conflict and Member States, especially members of the International Syria Support Group, to make renewed efforts to create conditions, including a comprehensive nationwide ceasefire, that support continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

3. *Welcomes* the work and the important role played by the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, in supporting future accountability efforts by investigating all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that all perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

4. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting the Commission immediate, full and unfettered access throughout the Syrian Arab Republic;

5. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

6. *Also strongly condemns* the continued use by the Syrian authorities of banned munitions, the indiscriminate use of heavy weapons in populated areas, barrel bombs, aerial bombardment, incendiary weapons, ballistic missiles and cluster bombs, and the use of starvation and besiegement directed against civilian populations as a method of warfare, and stresses the particular situation of concern in this regard in Idlib and other areas where airstrikes continue to cause death and injury among civilians;

7. *Further strongly condemns* all attacks on medical and health personnel, first responders, their means of transport and equipment, and hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

8. *Strongly condemns* the attacks against civilian objects, such as schools, as reported by the Commission of Inquiry, and the negative effects of the ongoing conflict on the rights and welfare of children, including their access to schools, medical care, education and humanitarian assistance, decries the violations and abuses of international human rights law and violations of international humanitarian law, as applicable, and deplores, in particular, the impact of the denial of humanitarian access on their lives and well-being;

9. *Urges* all parties to the conflict to comply with their respective obligations under international human rights law and international humanitarian law, and demands that all parties, particularly the Syrian authorities and their allies, refrain from carrying out attacks against the civilian population and civilian objects, such as schools, as well as on medical units, personnel, patients and transport and personnel involved in humanitarian assistance;

10. *Expresses its profound concern* at the findings of the Commission of Inquiry that sexual and gender-based violence against women, girls, men and boys has been a persistent issue in the Syrian Arab Republic since the uprising in 2011, and that women and girls have been disproportionately affected and victimized on multiple grounds;[1]

11. *Notes* the Commission's findings that such acts of sexual violence were committed most commonly by Syrian authorities and associated militia, as well as by the so-called Islamic State in Iraq and the Levant (Daesh), that they form part of a widespread and systematic attack directed against a civilian population, amounting to crimes against humanity, and that after February 2012, these acts constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity;

12. *Strongly condemns* all acts of such violence, calls for immediate medical and psychosocial support to be provided to survivors of such crimes and for every effort to be made to ensure justice for those who have suffered as a result of such crimes, and urges all parties to the conflict to heed the recommendations made by the Commission;

13. *Takes note* of the recent publication of the Commission of Inquiry, *Detention in the Syrian Arab Republic: A Way Forward*, in which the Commission highlighted the fact that the arbitrary detention of tens of thousands of individuals, particularly by the

[1] See A/HRC/37/72 and A/HRC/37/CRP.3.

Syrian authorities and affiliated militias, represents an urgent and large-scale crisis of human rights protection;

14. *Notes* the commencement of the functioning of the Working Group on the release of detainees/abductees, the handover of bodies and the identification of missing persons, composed of Turkey, the Russian Federation and the Islamic Republic of Iran, as well as the United Nations, underlines the need for concrete steps forward on this issue, and reiterates that all parties to the conflict must abide by their obligations under international humanitarian law and international human rights law, as applicable;

15. *Strongly condemns* the continued widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

16. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families, and condemns the denial of medical services in all prisons and detention facilities;

17. *Strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, and the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

18. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end the arbitrary detention and torture of civilians and sexual violence in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014) and by the Commission of Inquiry in its recommendations;[2]

19. *Urges* all parties to take heed of the recent recommendations on the issue of detainees by the Commission of Inquiry,[2] and in particular calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and detention facilities, and for all parties, in particular the Syrian authorities, to publish a list of all detention facilities, to allow access to medical services for all detainees, and to provide information on those they have detained to their families;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, older persons, persons with disabilities, human rights defenders, humanitarian aid providers, medical personnel, the wounded and sick, and journalists, and notes the importance of ensuring justice for those arbitrarily detained;

21. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic, expresses deep concern at reports of social and demographic engineering in areas throughout the Syrian Arab Republic, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes or crimes against humanity;

22. *Expresses deep concern* at the situation of the 6.6 million internally displaced people across the Syrian Arab Republic, and urges all parties to ensure that any evacuation and movement of civilians is consistent with international humanitarian law and international human rights law, as applicable;

[2] See A/HRC/37/72.

23. *Deplores* the existence and application of national legislation, in particular Syrian law No. 10/2018, which would have a significant detrimental impact on freedom of movement and the right of Syrians displaced by the conflict to return to their homes in a safe, voluntary and dignified manner when the situation on the ground allows it, and calls for its repeal;

24. *Urges* all parties to take note of the recent recommendation of the Commission of Inquiry on ensuring that the right of return is fully respected and facilitated by guaranteeing that all return movements are voluntary and subject to informed consent to the places of origin and protect all property and tenancy rights;[2]

25. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, demands that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

26. *Also strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo, and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, affirms that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

27. *Further strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

28. *Condemns in the strongest possible terms* the continued use of chemical weapons by the Syrian authorities, in violation of its obligations under the Chemical Weapons Convention and Security Council resolution 2118 (2013), and all use of chemical weapons in contravention of well-established international standards and norms against such use;

29. *Recalls* the relevant reports of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, in which they found the Syrian authorities responsible for the use of chemical weapons on four occasions, and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for two chemical weapons attacks between 2014 and 2017;

30. *Expresses grave concern* at the recent finding by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons that sarin and chlorine were very likely used in separate attacks in Ltamenah on 24 and 25 March 2017, and that chlorine was likely used in an attack in Saraqib on 4 February 2018;

31. *Also expresses grave concern* at the reported chemical weapons attack in Douma on 7 April 2018, resulting in the death of more than 70 people and injury to many more, and looks forward to the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons on that attack;

32. *Further expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017, July 2017, October 2017 and March 2018, in which the Technical Secretariat reported that it had been unable to verify that the declaration made by the Syrian authorities regarding their chemical weapons programme was accurate and complete in accordance with the Chemical Weapons Convention, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to provide further clarification relating to the gaps, inconsistencies and discrepancies that remain concerning the declaration;

33. *Demands* that all parties desist immediately from any use of chemical weapons in the Syrian Arab Republic, expresses its strong conviction that those responsible for the use of chemical weapons must be held accountable, and also expresses its support in this regard for the objectives and commitments of the International Partnership against Impunity for the Use of Chemical Weapons to support accountability for all those responsible for the proliferation or use of chemical weapons;

34. *Reaffirms* the importance of establishing appropriate processes and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims, and stresses the prerequisite role that accountability can play in any efforts to bring about a sustainable, inclusive and peaceful conclusion to the conflict;

35. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

36. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

37. *Welcomes* the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, including its close cooperation with the Commission of Inquiry and Syrian civil society;

38. *Invites* Member States to actively support the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate, multiannual, financial means for its functioning;

39. *Deplores* the grave humanitarian situation in the Syrian Arab Republic, and expresses deep concern at the plight of the approximately 2 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian assistance;

40. *Expresses deep concern* at the finding of the Commission of Inquiry that tactics used in the recapturing of the besieged area of Eastern Ghouta amounted to war crimes and crimes against humanity;[3]

41. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations-approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

42. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with relevant Security Council resolutions, and calls upon Member States to fully fund the United Nations appeals;

43. *Expresses deep concern* for the more than 5.6 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of the neighbouring countries Turkey, Lebanon, Jordan and Iraq, as well as of Egypt to host Syrian refugees, acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs

[3] See A/HRC/38/CRP.3.

of Syrian refugees, including the particular needs of women and girls, while emphasizing the principles of responsibility and burden-sharing;

44. *Notes* those States outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

45. *Welcomes* the relevant international conferences on supporting the Syrian people, notably the second conference entitled "Supporting the future of Syria and the region" hosted by the European Union in Brussels in 2018, and renews its call for the international community to deliver in full all pledges;

46. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and demands that all parties work towards a genuine political transition based on the Geneva communiqué and Security Council resolution 2254 (2015), within the framework of the United Nations-led intra-Syrian talks in Geneva and with the equal voice and full and meaningful leadership and participation of women in decision-making and in all efforts consistent with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection, regardless of gender, religion or ethnicity, and welcomes the inclusion of civil society in this process;

47. *Decides* to remain seized of the matter.

United Nations A/HRC/38/L.21

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 10
Technical assistance and capacity-building

Belgium, Brazil, France,* Germany, Haiti,* Honduras,* Italy,* Paraguay,* Spain, Turkey:* draft resolution

38/... Technical assistance and capacity-building in the field of human rights in Haiti

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have primary responsibility for promoting, protecting and upholding the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the international covenants on human rights and the other international and regional human rights instruments to which they are party,

Reaffirming the sovereignty, independence, territorial integrity and unity of Haiti,

Noting the early results of the "Caravan for Change" launched by the Government of Haiti with the aim of finding sustainable solutions to improve the promotion and protection of economic, social and cultural rights, including the right to development of the people of Haiti,

Recognizing the progress made by Haiti in a number of areas, including human rights, the adoption by the Human Rights Council in March 2017 of its decision 34/110, in which it adopted the report on Haiti prepared by the Working Group on the Universal Periodic Review in the course of the second cycle of the universal periodic review,[1] and the appointment in October 2017 of a new ombudsman to head the Office of the Ombudsman,

Noting the closing down of the United Nations Stabilization Mission in Haiti in October 2017 and the extension until 15 April 2019 of the mandate of the United Nations Mission for Justice Support in Haiti, in accordance with Security Council resolutions 2350 (2017) of April 2017 and 2410 (2018) of April 2018,

Recalling the adoption by the United Nations General Assembly on 13 July 2017 of resolution 71/161 B, on the new United Nations approach to cholera in Haiti following the end of the mandate of the United Nations Stabilization Mission in Haiti, to help combat the cholera epidemic in Haiti and provide material assistance and support to the communities and Haitians most affected,

* State not a member of the Human Rights Council.
[1] A/HRC/34/14 and A/HRC/34/14/Add.1.

Taking note of the report of the United Nations High Commissioner for Human Rights on the development of a national action plan to implement recommendations of human rights mechanisms in Haiti,[2]

Welcoming the political will of the Government of Haiti to continue strengthening the enjoyment of civil and political rights by Haitians, through the rule of law and access to justice, including the fight against the global scourges of impunity and corruption,

1. *Invites* the Government of Haiti to step up its efforts to protect, promote and uphold human rights, taking into account the recommendations in the High Commissioner's report[3] and in collaboration with the Office of the United Nations High Commissioner for Human Rights and, in particular, Haitian civil society, by taking the following measures:

(a) Appointing a high-level focal point for human rights within the executive branch;

(b) Drawing up an action plan to implement the recommendations made by human rights mechanisms, on the basis of the draft national action plan for human rights prepared in 2014;

(c) Strengthening the Interministerial Human Rights Committee by providing it with the material and financial resources it needs in order to better meet the demands made on it;

(d) Reducing the number of persons held in pretrial detention for more than two years, including by implementing the recommendations of the Presidential Commission of Inquiry into the Prison Situation in Haiti;

(e) Ensuring individual accountability through appropriate judicial measures in relation to human rights violations committed by members of the Haitian National Police, including in connection with the serious incidents reported at Lilavois and Grand Ravine in October and November 2017;

(f) Establishing a truth, justice and reparation commission to address the gross and systematic human rights violations committed in the past;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights, in close consultation with the Government of Haiti and in collaboration with Haitian civil society, women's rights groups and the Office of the Ombudsman, to provide technical assistance and capacity-building support to the Government of Haiti with a view to implementing effectively the actions listed in paragraph 1 above, including by providing international staff to support the Interministerial Human Rights Committee in:

(a) Preparing the national action plan;

(b) Preparing reports for submission to treaty bodies;

(c) Holding workshops on a regular basis;

3. *Requests* the Secretary-General of the United Nations to allocate the necessary resources, including financial resources, to the Office of the United Nations High Commissioner for Human Rights for a period of one year;

4. *Encourages* the Government of Haiti to enhance the participation of women in political life and in the civil service, and urges it to implement article 17.1 of the 1987 Constitution, as amended in 2012, which sets a quota of at least 30 per cent of women at all levels of national life;

[2] A/HRC/38/30.

[3] Ibid., para. 70.

5. *Requests* the High Commissioner for Human Rights to submit a written report to the Human Rights Council and to organize an interactive dialogue at its forty-second session;

6. *Decides* to remain seized of the matter.

United Nations A/HRC/38/L.22

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Austria,* Belgium, Bulgaria,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Ireland,* Italy,* Latvia,* Lithuania,* Luxembourg,* Malta,* Netherlands,* Poland,* Portugal,* Romania,* Slovakia, Slovenia, Spain, Sweden,* United Kingdom of Great Britain and Northern Ireland: draft resolution

38/... Technical assistance to the Democratic Republic of the Congo and follow-up to the report of the team of international experts on the Kasai regions

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, and other relevant instruments to which they are parties, including the International Covenants on Human Rights, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 35/33 of 23 June 2017 and 36/30 of 29 September 2017 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Welcoming the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts dispatched by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 35/33, including by facilitating access to the country, sites and persons,

* State not a member of the Human Rights Council.

Noting with grave concern the findings of the team of international experts in its report,[1] including about serious and gross human rights violations and abuses, the discovery of dozens of mass graves and violations of international humanitarian law in the Kasai regions perpetrated by all parties to the conflict, including those involving the recruitment and use of child soldiers, widespread sexual and gender-based violence, extrajudicial killings, ethnically motivated violence, and the destruction of houses, schools, hospitals, places of worship and State infrastructure by local militias,

Reiterating its condemnation of the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004) of 12 March 2004, Zaida Catalán and Michael Sharp, who were killed in Central Kasai while discharging their mandate, and of accompanying persons, expressing concern at the lack of cooperation with the Group of Experts and other ongoing national investigations, and urging the Government of the Democratic Republic of the Congo to thoroughly and fully investigate the murder of the two experts and to ensure accountability,

Deeply alarmed by the continued humanitarian consequences of the violence affecting civilian populations in the Kasai regions, which has led to the displacement of more than 900,000 persons inside the country and forced at least 35,000 to seek refuge in neighbouring countries,

Taking note of the statements made by the President of the Security Council on the situation in the Democratic Republic of the Congo on 26 July and 7 November 2017, and Security Council press statements of 22 March and 1 June 2018,

Taking note also of the report of a mission of the United Nations High Commissioner for Human Rights entitled "Accounts of Congolese fleeing the crisis in the Kasai region in the Democratic Republic of the Congo" of August 2017,

Taking note further of the statement made by the Special Representative of the Secretary-General for Children and Armed Conflict on 30 April 2018, in which she described the disproportionate effect of violence on children in the Kasai in 2017, including the killing, burning alive and maiming of children,

Stressing its commitment to the fight against impunity with a view to ensuring the non-recurrence of human rights violations and abuses,

1. *Condemns in the strongest terms* all violence, incitement to hatred and ethnic violence, human rights violations and abuses, and violations of international humanitarian law committed by all parties to the conflict in the Kasai regions since August 2016, including those involving ethnically motivated violence, violence and abuses against women and children, the unlawful recruitment and use of child soldiers, killings, maiming, pillages, intentional attacks against the civilian population or against individual civilians not taking direct part in hostilities, extrajudicial killings, arbitrary arrests and detentions, rape and other forms of sexual and gender-based violence, such as sexual enslavement, the destruction of villages and cases of mistreatment or torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* the condition of and violations and abuses perpetrated against children, who were the first victims of the violence, including through the excessive use of force by the security forces and the recruitment and use by militias, urges all parties to end immediately these grave violations and abuses of their human rights, and calls upon the Government of the Democratic Republic of the Congo to implement, with the support of relevant stakeholders, effective and gender-sensitive reintegration and rehabilitation programmes;

3. *Welcomes* the work of the team of international experts dispatched by the United Nations High Commissioner for Human Rights, notes the importance of the information and evidence it has collected in support of future accountability efforts for

[1] A/HRC/38/31.

human rights violations and abuses in the Kasai regions, and requests the High Commissioner to share the team's findings and recommendations with the General Assembly and all relevant international bodies;

4. *Notes with grave concern* that, according to the team of international experts, a number of serious human rights violations committed in the Kasai regions by the defence and security forces, the Bana Mura and the Kamuina Nsapu militias amount to crimes against humanity or war crimes under international humanitarian law;

5. *Expresses its particular concern* at the persistence of acts of violence linked to the crisis in the Kasai regions, the continued recruitment of children by the Kamuina Nsapu militia, and reports of continued intercommunal and militia violence in the regions of Kasai, as well as in other regions;

6. *Reiterates* its call upon the Government and all relevant institutions of the Democratic Republic of the Congo to take all the necessary measures to prevent all violations of international humanitarian law and all human rights violations and abuses in the Democratic Republic of the Congo, in particular when they constitute war crimes or crimes against humanity, and to hold accountable all those responsible, regardless of their political affiliation or their rank, and expresses its concern at the widespread impunity, in particular with regard to national security forces;

7. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and encourages all relevant national, regional and international bodies to ensure an appropriate follow-up to this end, bearing in mind the findings of the team of international experts;

8. *Urges* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

9. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

10. *Commends* the role played by regional and international organizations and neighbouring countries in providing protection and assistance to all people affected by the crisis in the Kasai regions;

11. *Calls upon* the Government of the Democratic Republic of the Congo to strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, the Human Rights Council and its special procedures, and underlines the necessity that the United Nations Joint Human Rights Office for have unfettered and timely access to the whole territory, in particular to the Kasai regions, to operate without hindrance and to have access to all relevant persons and documents;

12. *Calls upon* the Government of the Democratic Republic of the Congo to implement promptly all the recommendations made by the team of international experts in its report, in particular those relating to the fight against impunity and to the promotion of reconciliation, and underlines in this regard the need to address the root causes of the conflict to ensure the non-recurrence of violence;

13. *Calls upon* the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the Secretary-General to give due consideration to the recommendations concerning them made by the team of international experts;

14. *Requests* the High Commissioner to continue to dispatch the team of international experts for a period of one year, pursuant to Human Rights Council resolution 35/33, in order to allow the team to continue its work on past and present violations and abuses of human rights in the Kasai regions, and on follow-up to the recommendations made by the team in its report;

15. *Also requests* the High Commissioner to present an oral update and to invite the team to participate in an enhanced interactive dialogue with the Human Rights Council at its fortieth session, and further requests the High Commissioner to present a comprehensive report to the Council with the team's findings, and to invite the team to participate in an interactive dialogue, at its forty-first session;

16. *Requests* the Office of the High Commissioner to increase technical assistance, including the necessary forensic expertise, to the Government of the Democratic Republic of the Congo regarding its investigations into the allegations of human rights violations and abuses committed in the Kasai regions and legal action to hold those responsible accountable;

17. *Calls upon* the Government of the Democratic Republic of the Congo to continue to cooperate with the team of international experts;

18. *Requests* that the Office of the High Commissioner receive all necessary and appropriate resources for the conduct of the present mandate;

19. *Decides* to remain seized of the situation.

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Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Egypt, Russian Federation,* Saudi Arabia: amendment to draft resolution A/HRC/38/L.1/Rev.1

38/... Elimination of all forms of discrimination against women and girls

The twenty-first preambular paragraph *should read*

Reaffirming that the full enjoyment of all human rights by women and girls includes their right to sexual and reproductive health, and that equal relationships in matters of sexual relations and reproduction, including full respect for the dignity, integrity and bodily autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences, in accordance with international human rights law,

* State not a member of the Human Rights Council.

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Please recycle

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Egypt, Russian Federation,* Saudi Arabia: amendment to draft resolution A/HRC/38/L.1/Rev.1

38/... Elimination of all forms of discrimination against women and girls

Paragraph 4 (d) *should read*

(d) To support gender equality and women's and girls' rights, including within families, through long-term awareness-raising initiatives, especially education and public awareness-raising, including through the media and online, the incorporation of curricula on all women's rights into teacher training courses, including the prevention of sexual and gender-based violence;

* State not a member of the Human Rights Council.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Egypt, Russian Federation,* Saudi Arabia: amendment to draft resolution A/HRC/38/L.1/Rev.1

38/... Elimination of all forms of discrimination against women and girls

Paragraph 7 *should read*

7. *Urges* States to promote and protect sexual and reproductive health and reproductive rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences, and to respect, protect and fulfil the right of every individual to have full control over and decide freely and responsibly on all matters relating to their sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that guarantee universal access to sexual and reproductive health, services, evidence-based information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth assistance and emergency obstetric care, safe abortion in accordance with international human rights law and where not against national law, the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national health strategies and programmes;

* State not a member of the Human Rights Council.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

China, Russian Federation:* amendment to draft resolution A/HRC/38/L.16

38/... The promotion and protection of human rights in the context of peaceful protests

After paragraph 1, insert a new paragraph *reading*

1 bis. *Urges* States to ensure that organizers and leaders of protests are cognizant that they have duties and responsibilities with regard to the proper conduct of those participating in the protests organized under their auspices;

* State not a member of the Human Rights Council.

GE.18-10953(E)
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